



History of Public Charge

- Used in immigration law to refer to a person who is primarily dependent on the government for support
- Enshrined in the first immigration laws in the late 1800s purposely left vague
- Used by nativists in New York and Massachusetts more than 100 years ago to keep poor Irish Catholic immigrants out of those states
- Used to determine whether Jews fleeing Nazi Germany could enter the US
- Shaped US demographics

3

"Always meant to punish the poor"

• Dr. Lisa Sun-Hee Park, UC-SB Sociologist



1999 Public Charge Clarification



4

Effect on Immigration Status - Getting nutrition assistance through the Food and Nutrition Service (FNS) does not make an immigrant a "public charge". That is, an immigrant to the United States will not be deported, denied entry to the country, or denied permanent status because he or she receives food stamps, WIC benefits, free and reduced price school lunches or other nutrition assistance from FNS.

This clarification was part of an announcement by Vice President Al Gore on May 25, 1999, about new USCIS policy and was consistent with the FNS WIC Policy Memorandum #98-7, dated March 19, 1998 that was developed based on agreements reached with the USCIS and the State Department.

History of Public Charge & Food Assistance

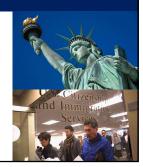
- Undocumented immigrants have never been eligible to participate in SNAP, the largest program in the domestic hunger safety net
- Lawfully present noncitizens participating in SNAP faced no immigration consequences





Public Charge – Current Practice; Still in Effect

Immigration officers decide public charge by evaluating whether an applicant for a green card or an individual seeking to enter the United States on certain visas is likely to become primarily dependent on the government for support



5

6

8

Public Charge – Current Practice; Still in Effect

When making a public charge decision, an immigration officer:

- Relies on multiple factors specified in the INA
 - Looks at the "totality of the circumstances"
 May also rely on the "affidavit of support"
 - A legally enforceable contract signed by the immigrant's sponsor, indicating that the sponsor will financially support the immigrant
 - Offers strong evidence that the immigrant will not become primarily dependent on the government
 - Could consider if applicant used cash aid (such as TANF, also known as "welfare," or SSI) or long-term institutionalized car
 - Immigrants who have are more likely to be denied admission on public charge grounds
 - Use of publicly-funded health care, nutrition, and housing programs are not considered negative factors for purposes of public charge because our current policies recognize that these programs are vital to keeping our communities healthy and safe and individuals productive



Public Charge – Current Practice; Still in Effect

At the consulates abroad:

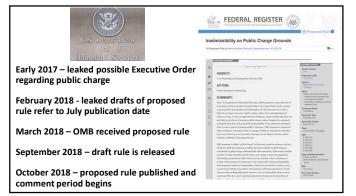
- The officers use the Foreign Affairs

 Manual (FAM) as guidance on how to

 make decisions
- Under FAM guidance, officers investigate further into the sponsor's ability to uphold the affidavit of support



7



Proposed New Public Charge Rule

- Aims to broadens the definition of who is to be considered a public charge
- Lowers the threshold for public charge from primarily dependent on to likely to receive a public benefit
- Imposes a specific income rule
- Extends list of publicly-funded programs that can be considered
 - Past and current use can be considered
 - Merely uses an included government program can be considered
 - But, the rule will not be retroactive it will not punish past use of newly included programs

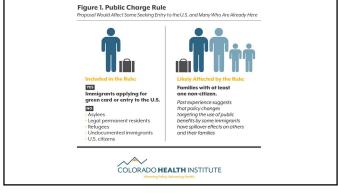




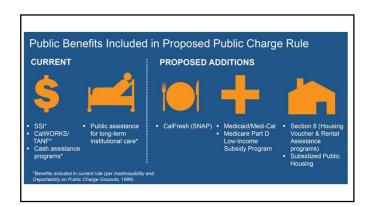
83 FR 51114

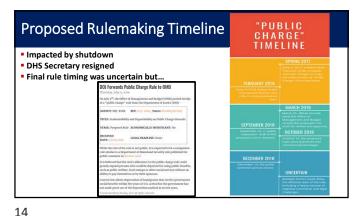
10

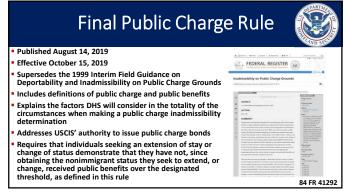




11 12







New Public Charge Definition

Public charge is an alien who receives one or more designated public benefits for more than 12 months in the aggregate within any 36-month period (such that, for instance, receipt of two benefits in one month, counts as two months).

The rule defines "public benefit" to include cash benefits for income maintenance, SNAP, most forms of Medicaid, Section 8 Housing Assistance under the Housing Choice Voucher (HCV) Program, Section 8 Project-Based Rental Assistance, and certain other forms of subsidized housing.

Under the Immigration and Nationality Act (INA) of the United States, alien means any person who is not a US citizen or US national. Every foreign national, including a refuge or an asylum seeker, is considered an alien unless his or her status has been lawfully upgraded.

84 FR 41292

15 16

Final Public Charge Rule



DOES NOT -

- Create any penalty or disincentive for past, current, or future receipt of public benefits by US citizens or aliens whom Congress has exempted from the public charge ground of inadmissibility
- Apply to US citizens, even if the US citizen is related to an alien subject to the public charge rule
- Apply to aliens whom Congress exempted from the public charge rule such as asylees, refugees, or other vulnerable populations listed as exempt
- Apply to aliens for whom DHS has statutory discretion to waive this ground of inadmissibility, if DHS has exercised such discretion

84 FR 41292

Final Public Charge Rule



Includes special provisions for how DHS will consider the receipt of public benefits, as defined in this rule, by:

- Certain members of the US Armed Forces and their families;
- Certain international adoptees; and
- Receipt of Medicaid in certain contexts, especially by aliens under the age of 21, pregnant woman (and women for up to 60 days after giving birth), and for certain services funded by Medicaid under the Individuals with Disabilities Education Act (IDEA) or in a school setting

84 FR 41292

17

18

Final Public Charge Rule



Clarifies that DHS will:

- Only consider public benefits received directly by the alien for the alien's own benefit, or where the alien is a listed beneficiary of the public benefit
- Not attribute receipt of a public benefit by one or more members of the alien's household to the alien unless the alien is also a listed beneficiary of the public benefit
- Apply this rule only to applications and petitions postmarked (or, if applicable, submitted electronically) on or after the effective date of October 15, 2019.
 - Applications and petitions already pending with USCIS on the effective date of the rule were postmarked before the effective date of the rule and were accepted by USCIS will not be subject to the rule

84 FR 41292

Public Charge Timeline

JANUARY 2017 2018 OCT-DEC 2018 2019 AUGUST 14 2019

Leoked Executive Order Prolign Affeirs Manual (IAM) Period of the Prolign Affeirs (Manual (IAM) Period of the Proling Affe

19 20

Public Charge Rule Litigation

ALBRT: on Oct. 11, 2015, Judges in three separate cases before U.S. District Courts for the Southern District of New York (PDF), Northern District of Callering (PDF), and Eastern District of Callering (PDF) engined RDF from implementing and enforcing the final rule related to the public charge ground of inadmissibility under section 212(b)(4) of the immigration and Nationality Act and postponed the effective date of the final rule until there is final resolution in the cases. Two of the injunctions are nationwide and prevent USCIS from implementing the rule anywhere in the United States.

et convers

22

Therefore, new DHS Public Charge Rule effective date is on hold due to litigation. DHS continues to follow the 1999 legacy Immigration and Naturalization Service (INS) policy guidance – which excludes non-cash benefits (other than institutionalization for long-term care) and special-purpose cash benefits not for income maintenance. So, SNAP is not considered in public charge determinations.

If DHS is successful in the litigation, then DHS Public Charge Rule would supersede the 1999 INS guidance.

Perspective

Hunger or Deportation: Implications of the Trump
Administration's Proposed Public Charge Rule

Sara N. Bloch, PhD: Shells Reschabacter, PhD, D)P

ANTICLE

ANTICL

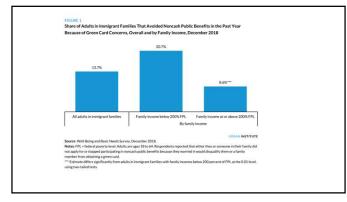
21

Declining Participation in Government Assistance Program

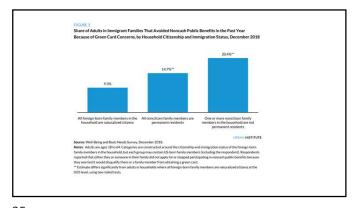
- DHS estimated in the proposed rule at least 382,000 would be impacted
- Significant potential to decrease participation; declines already happening
- Likely exceeding the number subject to the rule due to fear or confusion

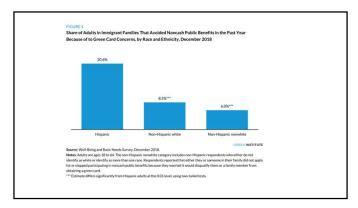


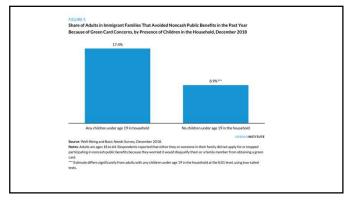
J Nutr Educ Behav. 2019;000:1-5

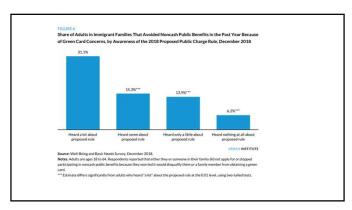


23 24



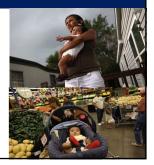






Declining WIC Participation

- Evidence suggests the risk of deportation is negatively associated with participating in
 - Mexican-origin families are the most sensitive when it comes to deportations and program
- A recent news report explained the unprecedented number of women and children are withdrawing from WIC since the proposed public charge rule last fall



USDA Food and Nutrition Service Actions

On March 25, 2019, the USDA Food and Nutrition Service Administrator Brandon Lipps blogged about a series of roundtable meetings he is participating in with WIC directors, participants, retailers, and other partners from across the US to address the obstacles WIC participants and potential participants and how to better support state and local agency staff.



29 30

Increasing Food Insecurity

- Nearly 20 million children (25%) live in a family with an immigrant parent
- Majority of these children are citizens (86%)
- Undocumented immigrants commonly live in a household that receives SNAP or other safety net programs
- Unauthorized immigrants are ineligible for nearly all safety net programs
- Undocumented parents often apply for assistance on behalf of their children
- Immigrant families may choose to remove their children from safety net programs (or not enroll at all) to keep their families together, which makes these children the most vulnerable.



J Nutr Educ Behav. 2019;000:1-5

Worsening Health Outcomes

- SNAP Participation was linked to significant improvements in birth outcomes and better cademic learning during school-aged years and was shown to lead to significant improvements in adult health

 Emerging evidence on increasing LBW among Latino mothers

- A fallout in Medicaid enrollment will increase the uninsured rate and reduce access to care, which will likely worsen health outcomes

 Simulation study estimated parents to disenroll between 0.8 million and 1.9 million children with specific medical needs from health and nutrition benefits
- Medical expenses are the largest contributor to increasing the number of individuals in poverty



J Nutr Educ Behav. 2019:000:1-5

Straining the Charitable Food Sector and the Health Care System

- Participation in SNAP for 6 months is associated with 35% less food pantry use (from 21% to 13%)
- Likely increase reliance on the charitable food sector greatly, which historically occurs during periods when regulatory or budgetary changes reduce SNAP participation
- Impact of reduced Medicaid, strain health care system



J Nutr Educ Behav. 2019;000:1-5

Data Challenges & Opportunities

- Limited nationally representative monitoring and surveillance of immigrant and refugee populations
- Scarce time-sensitive evaluation methodologies and funding support structures in place to objectively track food security or other health related outcomes



34







33

Predicticions play a critical role in protecting children from food insecurity **Transcription of management of the control o

Medical-Legal Partnerships



- Integrates legal assistance as a vital part of the healthcare delivery system
- Removes non-medical barriers to children and families' health and well-being
- Addresses adverse social conditions negatively impacting health through a variety of modalities
- Involves direct patient contact, provider training, and/or systemic advocacy

35 36

SNAP-Ed

- Utilizing outreach efforts
- Maximizing direct education and promotion regarding eating healthy on a budget
- Leveraging policy, system changes, and environmental supports to promote healthy eating



Leveraging Networks



38

- Sharing best practices and lessons learned
 - Navigating IRBs Building trust
- Developing interdisciplinary, multisite research and evaluation projects
- Managing secondary trauma effects

37

Additional Things to Ponder Continuing declines

- How to prevent
- How to track
- How to share findings
- Is the final rule, really final?
 - How to share comments throughout rulemaking process How to ensure clarity on possible final rule provisions

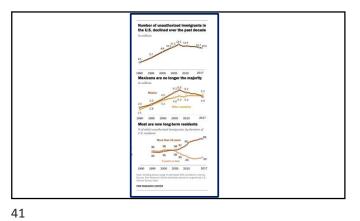
 - How to track and share impacts with key stakeholders

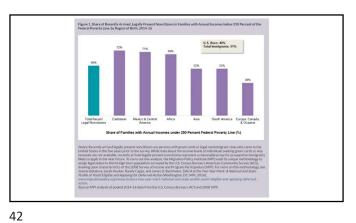


Hunger or Deportation: Implications of the Public Charge Rule sheilafly9@gmail.com 312-502-1060



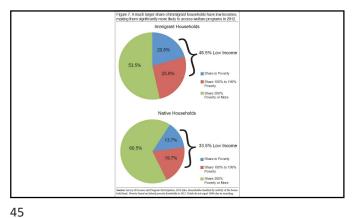
39 40

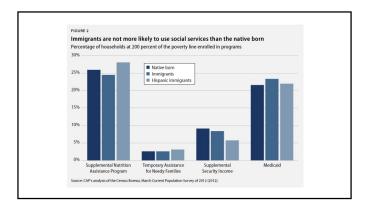




		In Families wit below 25	th Annual Incomes December FPL	Share of Total FY 2016 Green Cards Obtained via Family Sponsorship
Total Recent Legal Noncitizens	4,048,000	2,256,000	55.7	
Mexico and Central America	432,000	306,000	71.0	
Caribbean	459,000	333,000	72.5	66.5
South America	269,000	141,000	52.3	80.0
Europe, Canada, and Oceania	563,000	205,000	36.5	59.6
Asia	1,990,000	1,041,000	52.3	62.5
Africa	335,000	229,000	68.5	55.2
Top 15 Countries of Birth				
India	550,000	137,000	25.0	65.7
ChinaHong Kong	398,000	254,000	63.9	
Mexico	296,000	205,000	69.3	88.4
Cuba	195,000	148,000	75.8	13.4
Philippines	140,000	54,000	38.8	84.8
Dominican Republic	127,000	95,000	74.9	
Canada	110,000	37,000	34.2	
Vietnam	87,000	56,000	63.9	
Korea	86,000	49,000	56.6	
Iraq	76,000	62,000	82.4	8.4
Japan	67,000	21,000	30.9	64.7
United Kingdom	65,000	15,000	22.8	
Haiti	63,000	48,900	76.0	94.9
Brazil	60,000	26,000	43.7	
Venezuela	69,000	34.000	67.6	58.6

2.1
2.2
200
2.0
2.1
2.1
2.1
2.3
2.3
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1





Category of people subject to new test	Estimated number of people subject to new test annually	Agency/official applying the test		
Seeking an immigrant visa				
Applying for adjustment of status to lawful permanent resident	382,264	Department of Homeland Security/ immigration officials		
Applying for admission to United States as lawful permanent resident	529,847	State Department/ consular officials		
Total	912,111			
Seeking a nonimmigrant visa				
Applying for a nonimmigrant visa to temporarily stay in the United States	10,010,396	State Department/ consular officials		
Applying for an extension of stay or change of nonimmigrant status	517,508	Department of Homeland Security/ immigration officials		
Total	10,527,904			
Sources The estimate is row I is from Table & dor of U.S. DA A Proposed field by the Homeland Security Department documents/2018/10/10/2018 21106/inadmissibility-on for adjustment of Satus from 2012 to 2016 with see not. and "Applying for a nonimmigrant visa") are from the au 2017/ravillable all https://www.tstrag.org/content/travel html (sat accessed October 2018, both figures are annual concernable estimates, at they are based on the market concernable estimates, at they are based on the market who applied for an extension of stay or change of nonlin	on 10/10/2018* (2018), available at https://www.bublic-charge-grounds. This estimate is the annu- exempt from the LPC test. The estimates in rows 5 hor's calculations from Table 1 in U.S. Department free/legal/kriss_lawOviss=statistics/annual-eports all all averages of visas issued from 2013 to 2017. Thi of visas issued rather than the number of visa ap Department of fromeland Security proposed mile.	rederal/register.gov/ al average of people who applied and 3 ("Applying for admission" of State. "Report of the Visa Office /report-of-the-visa-office-2017, e figures in rows 2 and 3 are likely applications. The estimate in row 4 is		

Evidence of Declines from Welfare Reform Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) Law: Eliminated eligibility for legal immigrants to key safety net programs including cash welfare assistance for families with children, Food Stamps, Medicaid, CHIP, and SSI Impacts: Participation in these programs declined for immigrants compared with native citizens; some of the largest declines were for Food Stamps One analysis, using data from 1995 through 2010, found that Food Stamp participation among immigrants compared with native citizens declined significantly by 3.9%

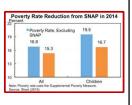
Table 4: Household Safety Net Participation Rates, for Immigrant-Headed Households with Children with Income Less than 200% of Poverty

		N	Any safety net	Public assistance	Food stamps	Medicaid/ SCHIP	School lunch	SSI
Pre reform (1994/1995)								
Arrived 6+ years ago, pre-enactment	(1)	6294	0.811	0.221	0.353	0.474	0.680	0.058
Arrived <=5 years ago, pre-enactment	(2)	1648	0.792	0.287	0.394	0.553	0.569	0.049
Post reform (2008/2009)								
Arrived 6+ years ago, pre-enactment	(3)	6898	0.837	0.076	0.301	0.672	0.634	0.048
Arrived 6+ years ago, post-enactment	(4)	3669	0.843	0.072	0.316	0.676	0.601	0.022
Arrived <=5 years ago, post-enactment	(5)	1875	0.836	0.073	0.330	0.645	0.532	0.018
Post-reform - Pre-reform								
Arrived 6+ years ago	(4)-(1)		0.032	-0.149	-0.037	0.202	-0.079	-0.036
Arrived <=5 years ago	(5)-(2)		0.044	-0.214	-0.064	0.092	-0.036	-0.031

Notes: Authors' tabulations of 1993, 1996, 2009, and 2010 CPS Annual Social and Economic Supplement, data. Sample includes households with children under 18 with heads born and a LLS-citizen and living in households with income under 200% of powerty and program participation is measured at the household televal. Any after year program participation means someone in the household entitinated in public assistance (APLOCTAN) or CAL, food stamps, Medicald/SCHP, free or reduced price School Lunch, SS, public housing or received a rental subsidy from the government, or energy assistance. Arrival cohort is assigned using when the household head came to the US to stay. See text for details about coding of lime of armal.

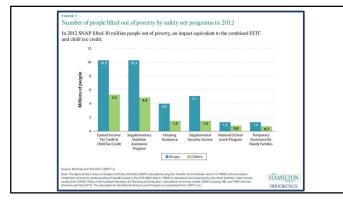
Government Assistance (specifically SNAP) & Poverty Alleviation

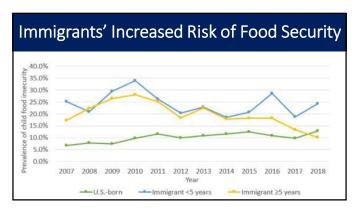
- Initially developed to prevent hunger and enable workers to work and children to grow up and thrive, even if their families or our nation fell on tough times
- Lifts individuals and families out of poverty; in 2014, this included more than four million people
- Known as an "automatic economic stabilizer"
 Dampens the depths of recession and protects the larger national economy; because, as an entitlement program SNAP automatically expands when individuals and families qualify for the program without direct legislative or executive actions at the federal or state levels

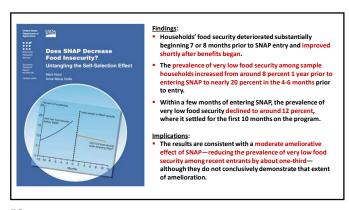


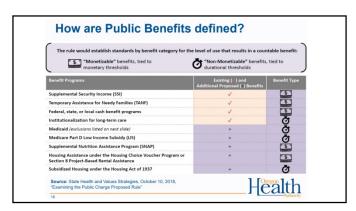
49

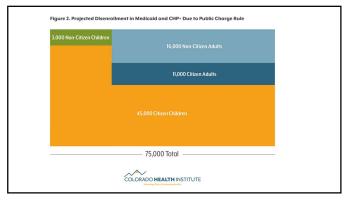
50

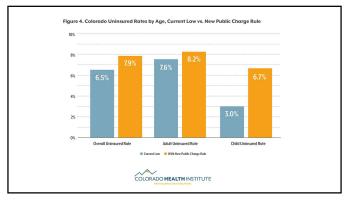




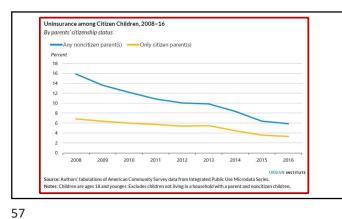


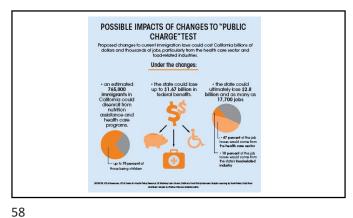






55 56



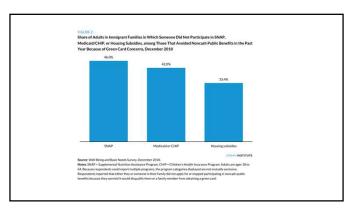


Simulation Study

<u>Purpose</u>: To assess potential risk of losing benefits because a child lives with a noncitizen adult

- Cross-sectional study
- Used nationally representative data from 4007 children 17 years of age or younger who
 participated in the 2015 Medical Expenditure Panel Survey
- Statistical analysis was conducted from January 3 to April 8, 2019

- A total of 8.3 million children who are currently enrolled in Medicaid and CHIP or receiving SNAP benefits are potentially at risk of disenrollment, of whom 5.5 million have specific medical needs, including 615 842 children with asthma, 53 728 children with epilepsy, 3658 children with cancer, and 583 700 children with disabilities or functional limitations
- Nonetheless, among the population potentially at risk of disenrollment, medical need was less common than among other children receiving Medicaid and CHIP or SNAP (64.5%; 95% CI, 61.5%-67.4%; vs 76.0%; 95% CI, 73.9%-78.4%; P < .001)
 Implications: The proposed rule is likely to cause parents to disenroll between 0.8 million and 1.9 million children with specific medical needs from health and nutrition benefits



59 60

Sanctuary or Safe Cities, Counties & States



These cities, counties, and states have laws, ordinances, regulations, resolutions, policies, or other practices that obstruct immigration enforcement and shield criminals from ICE—either by refusing to or prohibiting agencies from complying with ICE detainers, imposing unreasonable conditions on detainer acceptance, denying ICE access to interview incarcerated aliens, or otherwise impeding communication or information exchanges between their personnel and federal immigration officers.